

by Messrs. Hartley and Cannon, were re-referred to the committee on Internal Improvements.

On motion of Mr. Hamilton, the amendment proposed by Mr. Runnels to-day to the bill, and laid upon the table, was taken up, and also referred with the bill.

Mr. Browder, on leave granted, introduced a bill for the relief of the heirs of Augustus Cook; read first time.

Mr. Throckmorton, on leave granted, introduced a bill for the relief of the heirs of L. Gilbert; read first time, and

On motion, rule suspended, bill read second time and referred to the committee on Finance.

The committee on Enrolled Bills instruct me to report to the House that the act to apportion the Senators and Representatives of the Legislature among the several counties of the State, according to the requirements of the Constitution, with the signatures of the Speaker of the House of Representatives and President of the Senate was, on this day, presented to His Excellency, the Governor, for his approval.

I am also instructed to report to the House that said committee have examined an act to create the county of Madison, and find the same correctly enrolled.

BENJ. F. TANKERSLY, Chairman.

After which, on motion, the House adjourned until half-past 9 o'clock A. M., to-morrow.

AUSTIN, Friday, January 28, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Andrews, Browder, Daggett, Doom, Howard, Johnson, Jowers, Lane, Lawson, Lott, Reid, Sims, Speights, Stapp, Tarrant, Titus and Westmoreland.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Taylor of Fannin presented the petition of sundry citizens of the town of Preston, praying the incorporation of said town; referred to the committee on County Boundaries.

Mr. Andrews presented the petition of Temple O. Harris, praying relief; referred to the committee on Public Debt.

The petition of Jacob L. Briggs, praying relief; referred to the committee on Public Lands.

The petition of sundry citizens of Galveston and Liberty

counties, praying a charter to open the mouth of the Sabine river; referred to the committee on Internal Improvements.

Mr. Tarver presented the petition of Josiah Bishop, praying relief; referred to the committee on Private Land Claims, No. 2.

Mr. Maverick presented the petition of sundry citizens of Goliad and other counties, praying the creation of a new county; referred to the committee on County Boundaries.

Mr. Crockett presented the petition of Sarah Perry, praying relief; referred to the committee on Private Land Claims, No. 1.

Mr. Stapp presented the petition of Bryant Daughtery, praying relief; referred to the committee on Public Debt.

REPORTS OF COMMITTEES.

The committee on the Judiciary, to whom was referred a bill to be entitled an act to give certain civil and criminal jurisdiction to the Mayor of the town of Washington, in the county of Washington, have had the same under consideration, and instructed me to report the same back to the House and recommend its passage.

B. E. TARVER, Chairman.

Report and bill received to come up in their order.

On motion of Mr. Tarver, the rule was suspended; bill read second time and ordered to be engrossed.

On motion, rule further suspended, bill read third time and passed.

The committee on State Affairs have considered a bill entitled an act, relinquishing the title of the State to lots on Galveston Island, approved February 16th, 1851, and I am instructed to report a substitute, and recommend it to the favorable consideration of the House.

WILLIAM FIELDS, Chairman.

Report, bill and substitute received to come up in their order.

Your committee, to whom was referred the petition of G. C. Blackburn, have had the same under consideration, and from evidence before us, authorize me to report the same back to the House, with the accompanying bill, and recommend its passage.

WM. F. EVANS, Chairman.

Report and bill received to come up in their order.

The committee on County Boundaries report a substitute for the original bill to amend an act to create the counties of Cameron, Hidalgo, Starr, Webb, Presidio and El Paso, into separate land districts, and recommend its adoption.

J. M. CROCKETT, Chairman.

Report, bill and substitute received to come up in their order.

On motion, the rule was suspended, substitute read and adopted.

On motion, rule further suspended, bill read third time and passed.

The committee on Internal Improvements, to whom was referred the bill to appropriate, set apart and invest two millions of dollars as a special school fund, reported a substitute therefor.

They also report a bill to be entitled an act to provide for the investment of the special school fund in the bonds of railroad companies, incorporated by the State, and recommend their passage.

E. A. PALMER, One of the committee.

Report and bills received to come up in their order.

A message was received from his Excellency, the Governor, through his Private Secretary, transmitting a communication in writing, with accompanying documents.

The committee on Internal Improvements return to the House a bill to incorporate and establish the LaSalle and El Paso railroad company, and recommend its passage.

Also, they return a bill to establish the New Orleans, Texas and Pacific railroad company, to be disposed of as the House may direct.

The committee on Engrossed Bills have examined a bill prohibiting Assessors and Collectors from exercising official functions before they are duly qualified.

A bill to incorporate and establish St. Paul's college; and

A bill to incorporate the Galveston, Houston and Henderson railroad company, and report them correctly engrossed.

A. J. HOOD, Chairman.

Report accepted.

The committee on Enrolled Bills report that an act to create the county of Madison, with the signatures of the Speaker of the House of Representatives and President of the Senate, was on the 27th instant presented to his Excellency, the Governor, for his approval.

BENJ. F. TANKERSLY, Chairman.

Report accepted.

BILLS AND RESOLUTIONS.

Mr. Crockett introduced an act to amend an act, entitled an act to regulate proceedings in the county courts; read first time.

On motion, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

Mr. Flanagan introduced a bill to charter Church Hill Academy; read first time.

On motion, rule suspended, bill read second time and referred to the committee on Education.

A message was received from the Senate, informing the House that the Senate had passed

A bill to incorporate Tyler University; and,

A bill to repeal an act relating to lands in Peters' colony, originating in that body.

Mr. Randolph offered the following resolution:

Resolved, That the postage on newspapers and other public documents sent by members of this House, be pre-paid out of the contingent appropriation thereof.

Resolution adopted.

Mr. Lawson introduced a bill for the relief of the heirs of T. M. Alston; read first time.

A bill confirming the acts of the Treasurer of the State; read first time.

Mr. Edwards introduced a bill to define the duties of the district courts in certain cases; read first time.

On motion, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

Mr. Edwards introduced a bill to amend an act approved December 27, 1851, amending an act, approved March the 8th, 1848, regulating the public printing; read first time.

Mr. Edwards introduced a bill for the relief of the heirs of Franklin M. Brown; read first time.

On motion of Mr. Hamilton, the rule was suspended, and a bill to authorize the issuance of duplicate certificates of the Auditor and Comptroller of the State of Texas, was taken up and read.

When Mr. Hamilton proposed the following amendment:

Fill the blank with "an act entitled an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848;" and "an act entitled an act to extend the provisions of an act entitled an act to provide for ascertaining the debt of the late Republic of Texas, approved February 8, 1850."

Amendment adopted.

Mr. Hamilton then proposed the following further amendment:

Insert after the word "certificate," "of the second class."

Mr. Stapp proposed the following as a substitute for Mr. Hamilton's amendment:

"For which appropriations have been made;" accepted by Mr. Hamilton, and afterwards adopted.

On motion, the rule was suspended, bill read second time and ordered to be engrossed.

On motion, the rule was further suspended, bill read third time and passed.

On motion of Mr. Taylor of Fannin, the bill providing for the ascertainment of the outstanding liabilities of the late Republic of Texas, reported by the committee on Public Debt, was taken up, by a vote of 39 yeas to 17 nays; and read.

When Mr. Randolph offered the following amendment: Add to the end of 1st section, "and all other outstanding liabilities heretofore recognized and acknowledged by the State, or late Republic of Texas."

On motion of Mr. Tarver, the further consideration of the bill was postponed, and made the special order of the day for Monday the 31st instant, 11 o'clock, A. M.

The Speaker announced that the time had arrived for the consideration of a bill to regulate the proceedings and practice of the district courts of this State, which had been set apart as a special order for this hour.

The bill having been read, Mr. Tankersly proposed a substitute for the bill.

Mr. Hartley proposed the following amendment to the amendment:

Strike out "from and after its passage;" accepted by Mr. Tankersly, and the substitute adopted.

Mr. Reid proposed the following amendment:

Strike out section one and insert, "that it shall be the duty of the Judges, after having charged the jury in the usual way, to write down the charge in full, and deliver it in writing to the jury, if requested so to do by either of the attorneys interested;" which,

On motion of Mr. Hartley, was laid upon the table.

Mr. Pollock then proposed a substitute for the bill;

Which, after some discussion was, on motion of Mr. Hartley, laid upon the table.

Mr. Lane moved the House adjourn until 3 o'clock, P. M.; lost.

Mr. Pollock moved to lay the bill upon the table, which he afterwards withdrew.

Mr. Lawson proposed the following amendment:

Sec. That the Judge, before delivering a charge to the jury, shall be masked, and shall not emphasize nor use any tone of voice which will be calculated to influence the jury in any way; which was,

On motion of Mr. Browder, laid upon the table.

Mr. Flanagan moved the previous question.

The question "shall the main question now be taken?" was put and carried.

The main question being the engrossment of the bill, the yeas and nays were taken thereon, and stood thus:

YEAS—Messrs. Andrews, Browder, Camp, Cannon, Crockett, Evans of A., Fields, Flanagan, Hamilton, Hartley, Hardeman of N., A. J. Hood, Hord, Johnson, Jowers, McDade, McFarland, Neal, Palmer, Randolph, Rowe, Runnels, Sims, Stewart, Tankersly, Tarver, Taylor of F., Taylor of H., Turner and Wren—30.

NAYS—Messrs. Speaker, Charlton, Crabb, Daggett, Doom, Edwards, Evans of B., Evans of P., Hardeman of C., Lane, Lawson, Mabry, Maverick, Neighbors, Patrick, Rains, Reid, Scott, Speights, Throckmorton and White—21.

So the bill was ordered to be engrossed.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A message from His Excellency the Governor, was taken up and read as follows:

Referred to committee on State Affairs.

On motion of Mr. Patrick, the rule was suspended, and a bill to define the time of holding the district courts of the 13th judicial district was taken up, read second time and ordered to be engrossed.

On motion, rule further suspended, bill read third time and passed.

On motion of Mr. Flanagan, the rule was suspended, and a bill for the relief of the heirs of H. P. Chamberlin, was taken up, read, and ordered to be engrossed.

On motion, the rule was further suspended, bill read third time and passed.

A joint resolution to amend the State constitution; read third time.

The yeas and nays having been taken on its final passage, stood thus:

YEAS—Messrs. Speaker, Bryan of B., Crabb, Crockett, Dag-

gett, Doom, Evans of A., Flanagan, Hamilton, Hartley, Hardeman of C., A. J. Hood, Hord, Johnson, Jowers, Lane, Lawson, Maverick, McDade, Palmer, Randolph, Speights, Stewart, Tarver, Taylor of F., Throckmorton, Turner, White and Wren—29.

YAYS—Messrs. Bee, Cannon, Charlton, Coles, Edwards, Evans of B., Evans of P., Hardeman of N., Mabry, McFarland, Neighbors, Patrick, Pollock, Rains, Rowe, Runnels, Scott, Tankersly and Thomson—19.

It requiring a vote of two-thirds, the joint resolution was rejected.

The committee on Engrossed Bills have examined a bill to amend an act to incorporate the Henderson and Burkville railroad company, and find it correctly engrossed.

J. W. FLANAGAN, One of the committee.

On motion of Mr. Bee, Mr. Bryan of Cameron was excused from attendance on the House for the present session.

Mr. Taylor of Fannin moved to take up a bill creating the county of Crockett; lost.

On motion of Mr. Hamilton, a bill supplementary to an act entitled an act to provide for the erection of a State Capitol, was taken up, read second time and referred to the committee on Finance.

On motion of Mr. Evans of Bexar, the rule was suspended, and a bill to encourage Internal Improvements in the State of Texas, was taken up and read.

When Mr. Taylor of Fannin moved that the further consideration of the bill be postponed until 11 o'clock, A. M., on Tuesday the first day of February next; and that one hundred copies of the substitute, reported by the committee on Internal Improvements be printed; which motion prevailed.

A bill making an appropriation for the per diem pay and mileage of the members and officers of the second session of the fourth Legislature of the State of Texas.

Mr. Scott moved to lay the bill upon the table, upon which the yeas and nays were taken, and stood thus:

YEAS—Messrs. Bee, Browder, Cannon, Charlton, Daggett, Evans of B., Evans of P., Fields, Flanagan, Hamilton, Hartley, Hord, Jowers, Maverick, McFarland, Neighbors, Palmer, Randolph, Scott, Stapp, Stewart, Tarver, Taylor of F., Taylor of H., Turner and White—26.

NAYS—Messrs. Speaker, Bryan of B., Camp, Coles, Crockett, Doom, Edwards, Evans of A., Hardeman of C., Hardeman of N., A. J. Hood, Lane, Lawson, Mabry, McDade, Pat-

rick, Pollock, Rains, Reid, Rowe, Runnels, Speights, Tankersly and Thomson—24.

So the bill was laid upon the table.

On motion of Mr. Palmer, a bill to appropriate and set apart two millions of dollars as a special school fund, with the substitute reported by the committee on Internal Improvements, was taken up, and substitute read and adopted.

When Mr. White proposed the following amendment :

Strike out in first section, first and second lines, the words, "now remaining in the Treasury of the State," and insert, "or so much thereof as shall be in the Treasury of the State after the final payment of the debt of the late Republic of Texas;" upon which the yeas and nays were taken, and stood thus :

YEAS—Messrs. Bee, Bryan of B., Browder, Crabb, Crockett, Fields, Hamilton, Hardeman of N., Hord, Lane, McDade, Neal, Reid, Runnels, Sims, Stapp, Tarver, Taylor of F., Thomson, White and Wren—21.

NAYS—Messrs. Speaker, Camp, Cannon, Charlton, Coles, Daggett, Doom, Edwards, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Hardeman of C., A. J. Hood, Jowers, Lawson, Mabry, Maverick, McFarland, Neighbors, Palmer, Patrick, Pollock, Rains, Randolph, Rowe, Scott, Speights, Stewart, Tankersly, Taylor of H., Throckmorton and Turner—24. So the amendment was rejected.

Mr. Hamilton proposed an amendment to come in at the end of the first section :

"And, further provided, that fifty thousand dollars of the said two millions of bonds, be set apart for the establishment of two Universities in the State, to be applied directly for that object, in such manner as may hereafter be prescribed by law."

Mr. Hartley moved the previous question.

The question was then put, "will the House order the main question?" upon which the yeas and nays were taken and stood thus :

YEAS—Messrs. Speaker, Bee, Browder, Cannon, Coles, Daggett, Edwards, Evans of B., Flanagan, Hartley, A. J. Hood, Jowers, Lawson, Mabry, Maverick, Neighbors, Palmer, Pollock, Rains, Randolph, Rowe, Scott, Sims, Speights, Stewart, Taylor of H., Throckmorton and White—28.

NAYS—Messrs. Bryan of B., Crabb, Crockett, Doom, Evans of A., Fields, Hamilton, Hardeman of N., Hord, Lane, McDade, McFarland, Neal, Patrick, Reid, Stapp, Tankersly, Tarver, Taylor of F., Thomson, Turner and Wren—22.

So the main question was ordered.

On motion of Mr. Tarver, a call of the House was ordered, and the Sergeant-at-Arms despatched for absent members.

After which, on motion, the call was suspended.

The main question being the engrossment of the bill, the yeas and nays were taken thereon, and stood thus:

YEAS—Messrs. Speaker, Bee, Browder, Camp, Cannon, Charlton, Coles, Crockett, Daggett, Doom, Edwards, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Hardeman of C., A. J. Hood, Johnson, Jowers, Lawson, Mabry, Maverick, Neighbors, Palmer, Patrick, Pollock, Rains, Randolph, Rowe, Scott, Speights, Stewart, Taylor of H., Throckmorton, Turner and White—37.

NAYS—Bryan of B., Crabb, Fields, Hamilton, Hardeman of N., Hord, Lane, McDade, McFarland, Neal, Reid, Runnels, Sims, Stapp, Tankersly, Tarver, Taylor of F., Thomson and Wren—19.

So the bill was ordered to be engrossed.

A message was received from the Senate, informing the House that the Senate had adopted a resolution to adjourn *sine die* on Wednesday the second day of February, 1853; and had passed,

A bill to authorize the clerk of the district court of Houston county to transcribe certain records.

A joint resolution relating to the volunteers called into the service of the State by the Governor; read third time and passed.

Mr. A. J. Hood, chairman of the committee on Engrossed Bills, reported a bill entitled an act amending the 16th section of an act to provide for the assessment and collection of taxes, approved 11th February, 1850, as correctly engrossed.

Report accepted.

On motion of Mr. Browder, a bill for the relief of the inhabitants of San Elizario in El Paso county, was taken up, read second time and ordered to be engrossed.

Mr. Browder moved the suspension of the rule, to place the bill upon its third reading; carried—bill read third time and passed by the following vote:

YEAS—Messrs. Speaker, Bryan of B., Browder, Camp, Cannon, Charlton, Crockett, Daggett, Doom, Edwards, Evans of B., Evans of P., Flanagan, Hamilton, Hardeman of C., Hardeman of N., Hord, Lane, Mabry, Maverick, McDade, McFarland, Neal, Neighbors, Palmer, Patrick, Rains, Reid, Runnels, Scott, Speights, Tankersly, Taylor of F., Taylor of H., Thomson, Throckmorton, Turner and White—39.

NAYS—Messrs. Coles, Crabb, Hartley, A. J. Hood, Jowers, Lawson, Randolph, Rowe, Sims and Wren—10.

Mr. Randolph moved to take from the table a bill for the relief of M. B. Irwin; carried—bill read second time and referred to the committee on Finance.

On motion of Mr. Scott, an act relative to special liabilities, reported by the Auditor and Comptroller, was taken up; read second time and ordered to be engrossed.

Mr. Evans of Polk, chairman of committee on Public Lands, by leave, reported an act to authorize the erection of certain machinery on the commons in the city of Austin, and recommended its passage.

Report and bill received to come up in their order.

Mr. Flanagan, one of the committee on Engrossed Bills, reported a bill for the benefit of H. P. Chamberlain, deceased, as correctly engrossed.

On motion of Mr. Throckmorton, an act to define the division line between Bexar and Milam Land Districts was taken from the table.

Mr. Throckmorton offered the following amendment:

Add additional section after the first section.

Sec. 2. Nothing in this act shall be so construed as to interfere with the limits and boundaries of the Fannin Land District as heretofore established by law; and that the southern boundary line of the Fannin Land District shall extend due west, (from the south-east corner of Denton county as established by law,) and north so far as to include all the territory heretofore included by law in said Fannin Land District; adopted.

Mr. Tarver moved to strike out caption and insert: "an act to define the boundary line of Bexar, Milam and Fannin Land Districts; adopted—bill as amended, was then ordered to be engrossed.

On leave granted, Mr. Hamilton introduced a bill to be entitled an act to establish and endow two Universities in the State of Texas; read first time.

A message was received from the Senate, informing the House that the Senate had passed a bill to extend the provisions of an act entitled an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848, originating in the Senate.

On motion of Mr. Tankersly, a bill to be entitled an act to enable Fisher and Miller to perfect titles to the land for which certificates have been issued to them within the limits of Fisher and Miller's Colony; read second time and referred to the Judiciary committee.

On motion of Mr. Hartley, a bill to incorporate the Galveston, Houston and Henderson railroad company was taken up and passed by a constitutional majority; yeas 50, nays none.

On motion, the House adjourned until half-past 9 o'clock, A. M. to-morrow.

AUSTIN, January 29, 1853.

House met—roll called—quorum present.

Absentees: Messrs. Browder, Evans of B., Hamilton, Hooker, Hord, Howard, Johnson, Neighbors, Sims, Speights, Stewart, Thomson and Turner.

PETITIONS.

Mr. Bee presented the petition of G. B. Lamar, asking relief; referred to the committee on Public Debt.

REPORTS OF STANDING COMMITTEES.

Mr. Cannon, chairman of committee on Education, reported a bill to be entitled an act to charter Churchill Academy, recommending its passage with the following amendments:

In the 1st section, strike out the words "Senate and House of Representatives," and insert "Legislature."

Strike out the 7th and 8th sections, and after 6th section insert: "Section 7. And that this act take effect and be in force from and after its passage."

Report and bill received to come up in their regular order.

Mr. Stapp, chairman of the committee on the Land Office, to whom was referred the petition of Sumpter Turner, asking for the issuance of duplicate land certificates, reported the same back with an accompanying bill and recommended its passage; and also recommending a general law be passed authorizing the issuing of duplicate certificates by the Commissioner of the General Land Office.

Bill and report received to come up in their order.

Mr. Crockett, chairman of the committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to create the county of _____, reported the same back and recommended its passage.

Report and bill received to come up in their order.

Mr. Thomson, one of the committee on Private Land Claims, No. 1, to whom was referred a bill to be entitled an act for the relief of John Hughes and the heirs of John C. Sullivan, reported the same back to the House and recommended its passage.